IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

WP(C).No. 37398 of 2004(B)

PETITIONER:

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1. IBRAHIMKUTTY, S/O.MOHAMMED ISMAIL RAWTHER, AGED 60 YEARS, PUNNUMMOOTTIL THEKKETH, AADIKKATTUKULANGARA P.O., NOORANAD (VIA), ALAPPUZHA.

2. BIJU KHAN, PUNNUMMOOTTIL THEKKETH, AADIKKATTUKULANGARA P.O., NOORANAD (VIA), ALAPPUZHA.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.SONIYA.M

RESPONDENTS:

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1. THE SPECIAL DEPUTY TAHASILDAR (RR), K.S.F.E. LTD., ALAPPUZHA.

2. THE MANAGER, K.S.F.E. LIMITED, ADOOR BRANCH.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE PASS BOOK SHOWING REPAYMENT OF LOAN TO THE RESPONDENTS.

EXT.P2 SERIES: TRUE COPY OF THE RECEIPTS ISSUED BY THE 2ND RESPONDENT DATED 6.10.1999, 13.1.2000 AND 26.2.2001.

EXT.P3 TRUE COPY OF THE NOTICE DATED 12.3.2004 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 37398 OF 2004

Dated this the 2nd day of November, 2006

JUDGMENT

Heard counsel for the petitioners and standing counsel for KSFE. Since petitioner has paid substantial amount, and since OTS benefit is available with the KSFE now, W.P. is disposed of directing the petitioner to settle the liability under the OTS scheme. If Petitioner makes an OTS application with a deposit of Rs. 10,000/- within six weeks from now, then there will be direction to the KSFE to grant the OTS benefit to the petitioner, and grant reasonable time to the petitioner to settle the liability under the OTS scheme thereafter. If OTS benefit is granted and time for payment is given by the KSFE, there will be direction to the Tahsildar to withhold recovery proceedings till such time granted under the OTS scheme and proceed for recovery only if the petitioner commits violation of the OTS scheme by failing to remit the amount.

(C.N.RAMACHANDRAN NAIR)
Judge